

Amendment No. 1 to SB2625

Johnson
Signature of Sponsor

AMEND Senate Bill No. 2625*

House Bill No. 3253

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-2-103(h), is amended by deleting the subsection in its entirety and by substituting instead the following:

(h)

(1) Except as provided in subdivision (h)(2), each employee shall have a thirty-minute unpaid meal break if scheduled to work six (6) hours consecutively, except in workplace environments that by their nature of business provide ample opportunity take an appropriate meal break. The meal break shall not be scheduled during or before the first hour of scheduled work activity. For purposes of this subsection (h), "meal break" means a rest break or meal period.

(2)

(A) At the discretion of an employer, an employee who is principally employed in the service of food or beverages to customers and who, in the course of such employment, receives tips and reports the tips to the employer may waive the employee's right to a thirty-minute unpaid meal break.

(B) To waive the meal break, an employee shall submit a waiver request to the employer in writing on a form established by the employer as provided in subdivision (C)(i). For the waiver to be effective:

(i) The employee must submit the request knowingly and voluntarily; and

(ii) The employer and employee must both consent to the waiver.

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(C) An employer who intends to enter into waiver agreements with employees subject to this subdivision (h)(2) shall establish a reasonable policy that permits employees to waive the meal break subject to the demands of the employees' work environment. This policy shall be in writing and posted in at least one (1) conspicuous place in the workplace. The policy shall include but not be limited to the following:

(i) A waiver form that contains a statement that the employee acknowledges the employee's right, under state law, to receive an unpaid meal break of not less than thirty (30) minutes during a six-hour work period and that the employee is knowingly and voluntarily waiving this right;

(ii) The length of time the waiver will be in effect; and

(iii) Procedures for rescission of the waiver agreement by the employee or employer.

(D) An employer or employee may rescind a waiver agreement after providing notice to the other party. Such notice must be provided at least seven (7) calendar days prior to the date that the waiver will no longer be in effect.

(E) No employer shall coerce an employee into waiving a meal break.

SECTION 2. This act shall take effect thirty (30) days after becoming a law, the public welfare requiring it.